THE EVENING NEWS.

GEORGE Q. CANNON, EDITOR AND PUBLISHER

Thursday,	111	February	37, 1873.
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Having read the memorial of "the members of the legal profession residing in Utah Territory," addressed to the Congress of the Uni-ted States, and knowing the same to be in many respects untruthful and unjust, wronging alike the Legislature of the Territory and its citizens, we respectfully beg leave to point out some of its manifold errors and misrepresentations, and humbly suggest to the President, to your honorable bodies, to the honorable gentlemen who signed the memorial, and to the public, why it is that "the condition of t'tah is exceptional from that of all

gislature to determine the jurisdic-tion of the probate courts is clearly given by the organic act; but as the question has been much discussed, we will addit to the burger bate court. The Territory of Utah extends and south, and two hundred and sixty-four miles east and west, and with the rights of the General Gowe will admit for the sake of the ar-gument that the organic act is not clear on this subject. Under these circumstances

to every lawyer, that the intention of the Legislature passing the law is to be ascertained and must govern in construing the law.

To determine the intention of Con-Provo. gress, it is pertinent to inquire for what purpose does the Constitution of the United States confer upon Second district court, held at

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why it is that "the condition of the United States conferupon that off."
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the control of the United State conferupon construction for the control of the co own. In the language of Chief Justice Chase, (Clinton vs. Engel-brecht)— "The theory upon which the vari-ous governments for portions of the territory of the United States have been organized has ever been that of leaving to the inhabitants all the powers of self-government, consist-ent with the supremacy and supervi-sion of national authority, and which authority, and has also made it their duty "to report to the correlation of Boston can travel to her dustrice, charge appointed by Federal authority, and has also made can be made? The Governor of this Territory, appointed by Hadges appointed by Federal business in the district court. A fet, as where a person dies or ab-sesses extraordinary powers, which have been unknown to any other portion of the United States, several courties have been unknown to any other portion of the United States, ex-cept New Mexico, since the time of George III. He has the absolute veto power. His powers in legisla-tion are coextensive and coequipation for the Legislature itself, save that he cannot originate an act. Every law that is passed for the spatial for any purpose or curolled among the statutes. (See section two, organic act of the States, ex-central territories shall for any purpose or curolled among the statutes. (See section two, organic act of the for any purpose of curolled among the statutes. (See bela in a state for a synthesis state in the state of the synthesis state in the state of the synthesis state in the synthesynthesynthesynthesis state in the synthesynthe several counties shall have concur-rent jurisdiction with the district it be said that the Legislature of And the law further provides

the district court of any of its juris-diction, but that it did by direct legislation confer upon it a jurisdic-tion in criminal cases in territorial matters which, in the opinion of many eminent lawyers, it did not possess by virtue of the provisions of the organic act. When we add that no attorney or court has ever sought in any way to question the jurisdiction of the district court, the enormity of the misrepresentation on the part of the memorialists in who are en ries, and press grand and pet

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is a rule of construction known to every lawyer, that the For this Territory and population the Territory was all found in kan-Congress has provided three the Territory was all found in kan-courtswithout a large expenditure of mo-ney and toil, and for this reason the Legislature, in some cases, thought it advisable to induce men of means to construct roads and build bridges First district court, held at without a large expenditure of mo-provo. of the United States conferupon Congress the right to provide a gov-ernment for the Territories. Was it Of these courts the first two might thereby have access to wood

property or money to such person on proper proof that he is entitled to receive it.

ourts. This decision has also been reversed by the United States Supreme Court, in the case referred to, but much irregularity in legal pro-ceedings was induced thereby. They have also decided that the probate courts have no jurisdiction excepting in probate matters. This leaves the Territory withthe act def

be held for a district, and the judge therein is reliably advised that the ends of justice will be materially promoted by so doing, he may apportion the jurors, both grand and petit, between two or more counties of his district. out proper protection by judicial authority, which certainly is pro-ductive of great hardship as well as "disorder and confusion." A case involving the question of the jurisdiction of the

te court was ap the Supreme Court of the United States some two years ago and will soon be reached for trial, when it is nce to be hoped this matter will be ful-ind ly settled. We are firmly of the

opinion that when these vexed questions are decided by the Su-preme Court of the United States the "confusion and disorder" com-plained of by the memorialists will no longer exist, and we respectful-ly protest against any legislation on the part of Congress which would abrogate the method of obtaining jurors by lot from the body of the county, and which would provide for their selection from a particular class of persons, as being most dan-gerous to the lives, liberties, and property of the citizens of the Terri-

We deem it not amiss to contradict the assertion, so widely pub-lished, and lately uttered on the floor of Congress, that the courts es-tablished here by legislative enact-ment are wielded in the interests of despotism; that voters are intimida-ted and overawed; or that any class of citizens are by the civil authori-ties excluded from any of the rights, This law is substantially a copy privileges, and enjoyments apper-taining to citizenship elsewhere. We assert that entire freedom of reof the jury law of many of the States, and has been found ample for all purposes. The memorialists further comligious and political opinion exists, and that the most unlimited liplain that the Legislature has elected a set of Territorial officers who acquire and hold their of-fices in a manner contrary to the cense of expression goes unchecked. Whatever errors may be charg-eable upon the body of the people, it is evident to us that they countenance no known encroachment up-The officers referred to are the Teron the inherent rights of their fellow-men.

In conclusion, we desire to reasser in strong terms our unqualified be-lief that the Legislature of Utah in eyes of the memorialists. Can the its past history has endeavored to memorialists, who claim to be lawenact wise, salutary and just laws, and that it has never sought to con-travene or set at naught the Federal authority. If it has failed in its efforts to meet wisely all the demands of legislation, that failure has resulted from the inexperience of the law-makers rather than from any desire to unfairly discriminate between different classes in the community. That its statutes will compare favorably with those of any other Territory will sufficiently appear to any one who will take the trouble tory to institute the comparison. With increase of population and the added needs of a changing community, we do not doubt that existing statutes will be modified and new laws enacted, in order that the rights of

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all classes may be protected. PROTEST.

E Morris, Builder. In view of the foregoing facts, we W Paul, Architect. the undersigned petitioners, mem-bers of the legal profession, and E Dalrymple, Farmer. C Y Taggart, Professor. business men residing in the Terri-J Kelley, Miner. tory of Utah, would

and imperfections in the laws of Utah than in those of other Territories, or that they have occurred through any design or want of attention on the part of the Legisla-ture of Utah, as stated by the memorialists, is certainly untrue, and we most confidently and respectfully submit the statutes to investigation.

The memorialists first complain of "long-continued and hitherto unchecked abuse of legislative power." Allow us to inquire with what justice this complaint can be made? The Governor of this Territory, appointed by the President of the United States, pos-sesses extraordinary powers, which

enrolled among the statutes. (See section two, organic act of the Ter-

provisions of the organic act.

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M. Thompson, Miner. T Dobson, Farmer. M Olsen, Farmer. G H Vanschoohoven, Farmer. H W Brizzie, Lumberman. W Asper, Builder. A F Farr, Miller. W Ashman, Clerk. J Alford, Clerk. R J Taylor, Clerk. G A Wiscombe. Jno Squires, Artist. I Leavitt, Conductor, U C R R Liddel & Brown, Merchants. inference, therefore, that it was approved by that body." If then these officers have been elected by the Legisla-ture, as is claimed, such elec-tion does not appear in the opinion of Judge Chase to be ille-gal; but, having received the im-plied sanction of Congress, may be inferred to be valid. The memorialists assume that because the probability of a destruc-tive tendency, in view of the vast financial interests which would sufficient for the protection of society if prop-erly enforced, we protest against the interference with them which the memorialists demand. As citizens, we protest against any legislation of a destruc-tive tendency, in view of the vast financial interests which would sufficient for the protection of society if prop-erly enforced, we protest against the interference with them which the memorialists demand. C Sansom, do. O L Eliason, Watchmaker. A Patterson, do. J B Maiben, Insurance Agent E Steel, Builder. Robt Cleghorn, Druggist. J S Richards, do. W R Pike, do. M E Kleiner, do. J Morgan, Teacher.

The memorialists assume that because the probate courts are given jurisdiction in civil and criminal matters, the rights of the district courts are there-by abridged, and as a neces-sary sequence the different courts are hostile to each other, and for that reason "the administration of law has fallen into utter disorder and confusion." memorialists evidently desire, we

and confusion." It is true the probate courts are by statute given this juris-diction concurrent with the district court, and, as we have al-ready shown, such jurisdiction has supplied a want for meeting which no other adequate provision has been made. But how the fact that the exercise of this jurisdiction by the probate courts are by statute given this juris-diction concurrent with the district court, and, as we have al-ready shown, such jurisdiction has supplied a want for meeting which no other adequate provision has been made. But how the fact that the exercise of this jurisdiction by the probate courts can legitimvestigate all matters of complaint, would further the ends of justice and meet the approval of every worthy citizen.

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